

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERZELLE WOODS,

Plaintiff,

vs.

Case No. 07-CV-15420
HON. GEORGE CARAM STEEH

WASHTENAW HILLS MANOR, et al.,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION (#114)

This matter is before the court on defendants Healthcare, LLC and Manor Care, Inc.'s motion for summary judgment filed on March 11, 2009. In that motion, defendants argue that there is no genuine issue of fact as to whether the defendants are joint or integrated employers of plaintiff. In addition, defendants argue that their addition as new parties was barred by the applicable statute of limitations. The motion for summary judgment was referred to Magistrate Judge Virginia Morgan on March 13, 2009. On April 15, 2009, the parties stipulated to dismissal of HCR Healthcare, LLC and Magistrate Judge Virginia Morgan held oral arguments on Manor Care's motion for summary judgment on April 15, 2009. On June 11, 2001, Magistrate Judge Morgan issued a Report and Recommendation recommending that the motion of summary judgment be denied because "viewing [plaintiff's] evidence and drawing all reasonable inferences in favor of plaintiff, she has come forward with specific facts showing that there is a genuine issue for trial and summary judgment is inappropriate on this issue."

Report and Recommendation, at 28. In relation to the statute of limitations issue, Magistrate Judge Virginia Morgan also stated, "this court believes that the actions of defendants and defense counsel are primarily responsible for the delay in bringing Manor Care, Inc., into this case as a defendant. Plaintiff was duly diligent in discovering the identity of Manor Care, Inc., and, consequently, the claims against Manor Care, Inc., relate back to the original complaint under Fed. R. Civ. P. 15(c) and Manor Care, Inc.'s statute of limitations argument should be rejected." Report and Recommendation, at 34. Neither party has filed an objection to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2). Having reviewed the record and the Report and Recommendation, the court hereby ACCEPTS the June 11, 2009 Report and Recommendation as its own. Accordingly,

Defendant's motion for summary judgment is hereby DENIED consistent with the analysis set forth in the June 11, 2009 Report and Recommendation.

SO ORDERED.

Dated: July 23, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 23, 2009, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk